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Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC., a Delaware  
corporation,

Plaintiff-Counterclaim Defendant,

v.

NETWORK APPLIANCE, INC.

Defendant-Counterclaim Plaintiff.

CASE NO. C-07-05488 EDL

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING DEADLINE FOR  
MOTIONS TO COMPEL**

In its April 2, 2008 Case Management Scheduling Order, the Court did not specify a deadline for filing motions to compel discovery responses. Civil Local Rule 26-2 provides that motions must be filed within 7 court days of the close of discovery. In its November 18, 2008 Order, the Court set April 24, 2009 as the close of fact discovery concerning certain of the patents-in-suit.<sup>1</sup> As a result, the deadline for filing motions to compel concerning fact discovery

<sup>1</sup> The parties have agreed that a certain number of depositions that were noticed prior to the close of discovery, but that could not be scheduled prior to that deadline, may proceed prior to June 19, 2009.

related to these patents is May 5, 2009.

The parties (between themselves and with third-parties) have been, and continue to be, engaged in what appear to be fruitful negotiations concerning their respective discovery responses. However, the volume of issues to work through is such that the meet-and-confer process is not yet complete. In light of this, the parties are concerned that, if this filing deadline is not continued, a multitude of discovery issues will be raised with the Court unnecessarily. Because the parties believe that continued discussions are likely to resolve many or all of the currently pending disputes, they hereby stipulate through their respective counsel of record, subject to the Court's approval, that the deadline for filing motions to compel discovery that is subject to the April 24, 2009 fact discovery cutoff be continued until May 22, 2009.

Dated: May 4, 2009

DLA PIPER LLP (US)

/s/ Christine K. Corbett

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Dated: May 4, 2009

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Jill J. Ho

Attorneys for Defendant, NetApp, Inc.

**IT IS SO ORDERED.**

Dated: May 5, 2009

